REPORT AND RECOMMENDATIONS OF THE

TASK FORCE ON THE REVISION OF THE

COMPOSITION, RULES AND PROCEDURES FOR EVALUATION

COMMITTEES AND ADVISORY SEARCH COMMITTEES

4 January 1994

Task Force of the Board of Governors
on the revision of the recommendations of the Ad Hoc Committee
for the Revision of the Composition, Rules and Procedures
for Evaluation and Advisory Search Committees

4 January 1994

Status of the Task Force

At its meeting of Wednesday 16 June 1993, the Board of Governors of Concordia University unanimously resolved that:

1)   a two-person task force composed of Mr. Claude Taylor and Dr. Henry Habib be responsible for revision of the recommendations of the Ad-Hoc Committee;

2)   the said task force exercise full latitude and freedom to consult whomever it wishes, and receive administrative support from the Office of the Secretary-General;

3)   the task force report to the Executive Committee as soon as is feasible.

Task Force meetings

The Task Force met on 22 June 1993; 6 August 1993; 30 August 1993, 23 September 1993, 1 November 1993, 17 November 1993 and 15 December 1993. The Task Force consulted Dr. June Chaikelson and Dr. Martin Kusy on 23 September 1993.

Recommendations of the Task Force

The revised recommendations are an attempt to take into account alternative proposals that were made in the briefs and submissions to the Ad-Hoc Committee for the Revision of the Composition, Rules and Procedures for Evaluation and Advisory Search Committees. As well, they incorporate further suggestions which were made during our consultation meetings.

As outlined in our mandate, our task was to propose possible revisions to the recommendations of the Ad Hoc Committee and therefore our objective was to reconcile the divergent points of view expressed in the various briefs and submissions which the Ad Hoc Committee received, as well as in discussions at Senate meetings and at the special Board meeting held on 5 May 1993.

It should be noted, however, that these recommendations are being made in the context of the present administrative structure of the University, which we were not mandated to change.

All modifications to the original recommendations of the Ad Hoc Committee are highlighted in **BOLD**.

The modifications not listed below are editorial.

The major changes are as follows:

Recommendation #1:   Positions searched now include the Secretary-General (with the provision that this position will not be searched until 1 June 1998).

Recommendation #2:   Terms of all senior appointments will end on 31 May (regardless of the date when the incumbent may have started his or her duties).

Recommendation #3:   Current Evaluation and Advisory Search Committees are replaced with Advisory Search Committees, in every instance.

Recommendation #5:   Number of members on Advisory Search Committees - increased from 9 members to 11.

Recommendation #6:   Composition of Advisory Search Committees adjusted to reflect a membership of 11. Also, the recommendation of the Task Force proposes a different composition for each position searched, whereas the Ad Hoc Committee had proposed a single composition for all positions searched.

Recommendation #25:   Open meetings with the short-listed candidates: No concrete proposals had been put forward by the Ad Hoc Committee. The Task Force is now submitting various modalities, while leaving the decision to hold public meetings to the Search Committee.

Recommendation #34:   The ranking of candidates has been deleted in the conflict resolution mechanism, and the Task Force has added a provision for the position of Rector.

Minor changes include:

Recommendation #7:   The Chair of the Advisory Search Committee shall be the person to whom the position reports, in every instance.

Recommendation #28:   The possibility of including a minority report has been added.

Recommendation #29:   This is a new recommendation whereby the Task Force is proposing that the report of the Search Committee include a section dealing with the profile and indicate the manner and the extent to which the choice of the candidate is based on the profile.

Six of the original recommendations submitted by the Ad Hoc Committee on the Revision of the Composition, Rules and Procedures for Evaluation Committees and Advisory Search Committees have been eliminated, as follows:

Recommendations #7 & 8:   The Task Force is proposing that the Advisory Search Committee always be chaired by the senior administrator to whom the position reports, therefore the original recommendations #7 & 8 were deleted.

Recommendation # 13:   "Members of the Advisory Search Committee shall sit as individuals, not as delegates or representatives of any group". The Task Force thinks it is not necessary to have a formal recommendation regarding the status of members of Search Committees.

Recommendation #18:   In this recommendation, the Ad Hoc Committee proposed that an independent impartial authority, i.e. the Office of the Secretary-General, supervise the election process for faculty members. Due to the lack of additional resources, the Office of the Secretary-General is unable to assume this responsibility. Furthermore, the Task Force believes it is sufficient to propose that the election process for faculty members to be recommended as members of advisory search committees be governed by uniform, University-wide procedures, as spelled out in recommendation #17.

Recommendations #19 & 20:   These two recommendations dealt with the election process for administrative and support staff. The Secretary-General was recently informed by the Director of Human Resources that these recommendations have already been implemented.

<u>Recommendations of the</u>
<u>Task Force of the Board of Governors</u>
<u>on the revision of the recommendations of the Ad Hoc Committee</u>
<u>for the Revision of the Composition, Rules and Procedures</u>
<u>for Evaluation and Advisory Search Committees</u>

4 January 1994

1. **That the rules and procedures for Advisory Search Committees apply to the positions of Rector, Vice-Rectors, Secretary-General[1], Academic Deans, Director of Libraries.**

2. **That the term of all senior appointments shall end on 31 May, regardless of the date when these appointments may have started. The terms for senior appointments are usually for 5 years.**

3. That the current Evaluation Committees and Advisory Search Committees be replaced by Advisory **Search Committees in every instance.**

4. That the time-frame for the establishment and election of advisory search committees be as follows: **The Board of Governors shall initiate the search process in the month of March, (preferably the first week of March), in the year prior to the expiration of the incumbent's term of office. The Board would start the process by establishing an Advisory Search Committee and determining its composition. Between the months of March and May, the various constituencies would nominate their representatives and at its May meeting, the Board of Governors would elect the members of the Committee.**

5. That Advisory Search Committees be composed of **eleven** members.

6. That the composition of Advisory Search Committees be as follows:

    The members of all Advisory Search Committees are elected by the Board of Governors based on the nominations made by the following constituencies, and recommended to the Board of Governors.

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[1] In view of the incumbent being in the second term of her mandate, we recommend that the rules and procedures for this position apply as of 1 June 1998.

Definitions:

Faculty members: may include full-time, part-time members and librarians.

Chair of Advisory Search Committees: The Chair of an Advisory Search Committee will be the person to whom the position reports.

Representative of the senior management: (a Vice-Rector, the Secretary-General or a Dean).

Rector

1	Chair;
2	Members of the Board of Governors, representing the community-at-large or the alumni, recommended by the Executive Committee of the Board;
4	Faculty members, elected by each Faculty;
1	Representative of the senior management, recommended by the Executive Committee of the Board;
2	Students (one graduate and one undergraduate) nominated by their respective student associations;
1	Member of the administrative and support staff; nominated in conformity with the Electoral College Policy;

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Vice-Rector, Academic

1	Chair;
2	Members of the Board of Governors, one of whom shall be a representative of the community-at-large or the alumni, the other shall be a faculty member, recommended by the Executive Committee of the Board;
4	Faculty members, elected by each Faculty;
1	Representative of the senior management, recommended by the Executive Committee of the Board;
2	Students (one graduate and one undergraduate) nominated by their respective student associations;
1	Member of the administrative and support staff from one of the units reporting to the Vice-Rector, Academic, nominated in conformity with the Electoral College Policy;

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Vice-Rector, Institutional Relations and Finance

1	Chair;
2	Members of the Board of Governors, representing the community-at-large or the alumni, recommended by the Executive Committee of the Board;
4	Faculty members, elected by each Faculty;
1	Representative of the senior management, recommended by the Executive Committee of the Board;
2	Students (one graduate and one undergraduate) nominated by their respective student associations;
1	Member of the administrative and support staff from any of the administrative units reporting to the Vice-Rector, Institutional Relations and Finance, nominated in conformity with the Electoral College Policy;

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Vice-Rector, Services

1	Chair;
1	Member of the Board of Governors, representing the community-at-large or the alumni; recommended by the Executive Committee of the Board;
4	Faculty members, elected by each Faculty;
1	Representative of the senior management, recommended by the Executive Committee of the Board;
2	Students (one graduate and one undergraduate) nominated by their respective student associations;
1	Member of the administrative and support staff from any of the administrative units reporting to the Vice-Rector, Services, nominated in conformity with the Electoral College Policy;
1	Librarian, nominated by the professional librarians;

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Secretary-General

1   Chair;
2   Members of the Board of Governors, representing the community-at-large or the alumni, recommended by the Executive Committee of the Board;
3   Faculty members, elected by the faculty members of the Board of Governors, from amongst themselves;
1   Vice-Rector, recommended by the Executive Committee of the Board;
1   Librarian, nominated by the professional librarians;
2   Students (one graduate and one undergraduate) nominated by their respective student associations;
1   Member of the administrative and support staff from any of the administrative units reporting to the Secretary-General, nominated in conformity with the Electoral College Policy;

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Academic Deans, (Faculties)

1   Chair;
2   Members of the Board of Governors, one of whom shall be a representative of the community-at-large or the alumni, the other shall be a faculty member from a Faculty other than the one whose deanship is being searched, recommended by the Executive Committee of the Board;
4   Faculty members, elected by the faculty at large in the Faculty where the position is being searched;
1   Representative of the senior management, recommended by the Executive Committee of the Board;
2   Students (one graduate and one undergraduate) from the Faculty where the position is being searched, nominated by their respective student associations;
1   Member of the administrative and support staff from the Faculty in question, nominated in conformity with the Electoral College Policy;

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Dean of the School of Graduate Studies

1   Chair;

2   Members of the Board of Governors, one of whom shall be a representative of the community-at-large or the alumni, the other shall be a faculty member, recommended by the Executive Committee of the Board;

4   Faculty members, elected by each Faculty;

1   Representative of the senior management, recommended by the Executive Committee of the Board;

2   Graduate Students nominated by the Graduate Students' Association;

1   Member of the administrative and support staff from the School of Graduate Studies, nominated in conformity with the Electoral College Policy;

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Director of Libraries

1   Chair;

1   Member of the Board of Governors, representing the community-at-large or the alumni, recommended by the Executive Committee of the Board;

4   Librarians nominated by the professional librarians;

2   Faculty members elected by the faculty members of Senate;

2   Students (one graduate and one undergraduate) nominated by their respective student associations;

1   Member of the administrative and support staff from the Libraries; nominated in conformity with the Electoral College Policy.

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7. **That the Chair of the Advisory Search Committee be the senior administrator to whom the position reports.**

8. **That, in determining the profile of the ideal candidate, the senior administration must invite Senate, the Faculty Councils, the Council of the School of Graduate Studies and other relevant constituencies, such as departments, individuals, as well as the Executive Committee of the Board of Governors, to provide input and contribute to the development of the profile.**

9. **That, once the consultation provided for in recommendation # 8 has taken place, the University's senior administration be responsible for completing the profile within two months, between March and May.**

10. **That, once finalized, the profile of the ideal candidate be forwarded to Senate for its comments and input and then submitted to the Board of Governors for final approval.**

11. That, after approving the profile of the ideal candidate, the Board of Governors forward the document to the Chair of the advisory search committee as the basic document on which the said committee is expected to base its deliberations.

12. **That the profile of the ideal candidate, once approved, be made public and accompany the call for nominations.**

13. That in the case of a search for a dean, the report of the Review Committee for the periodic appraisal of the Faculty or other academic unit be considered by the advisory search committee as part of the input to be obtained by the committee and in conjunction with other forms of input.

14. That proactive procedures be used to seek out women candidates for senior administrative positions.

15. That, when advertising a position, the qualifications and experience needed for the position be defined in a way that invites and encourages women candidates.

16. That advisory search committees adopt procedures to avoid even inadvertent discrimination.

17. That the election process for faculty members to be recommended as members of advisory search committees be governed by uniform, University-wide procedures, to be proposed and determined in the way which the Board of Governors will deem to be the most appropriate.

18. That the rules and procedures governing the election process provide for eligibility rules applying to all members of the University community.

19. That the requirement for members of advisory search committees to sign an undertaking of confidentiality before the start of deliberations be abolished.

20. That there be a presumption in the Rules and Procedures stating that by agreeing to serve on advisory search committees, members are presumed to undertake to respect the limits of confidentiality set out in the Report of the Ad Hoc Committee for the Revision of the Composition, Rules and Procedures for Evaluation and Advisory Search Committees, (see Appendix C of this document) as well as standards of integrity, civility and ethical behaviour.

21. **That in cases where a material breach of confidentiality has taken place, and after due process, (see definition of due process in Appendix B), exclusion from the committee may follow, without a replacement. In cases where the breach of confidentiality is deemed less severe, a minor sanction, such as a reprimand, could ensue. The Chair of the Board of Governors is responsible for ensuring due process.**

22. That, in cases of **irregularities** (see definitions in Appendix B) in the proceedings of a search committee, any committee member who becomes aware of such irregularities be enabled to report them to the Chair of the Board of Governors and solicit his or her intervention; that the Chair of the Board then investigate the matter with the Chair of the Committee. Should his or her intervention fail, that an ad hoc committee be established to deal with a formal complaint, in the same way as the current hearing boards operate.

23. That the University's Legal Counsel prepare a Guide Book, for Advisory Search Committees, which will include 1) the rules and procedures which govern advisory search committees, 2) guidelines on the application of the rules of natural justice and 3) information on how to avoid inadvertent discrimination. This Guide Book should be distributed to committee members before the first meeting.

24. That, except when the search is one for the position of Rector, prior to the short list being made public, the advisory search committee inform the Rector of the names of the candidates on the short list and seek his comments and input; and that when the advisory search committee has agreed on the best candidate and is ready to make its recommendation to the Board, the advisory search committee inform the Rector as to its final choice.

25. That the short list of candidates be made public within the University community no less than thirty (30) days and no more than sixty (60) days before the advisory search committee is scheduled to make its recommendation to the Board of Governors.

26. The advisory search committee **should normally** provide an opportunity for the University community to meet informally once with each of the candidates on the short list individually. **The purpose of such consultation is to involve the University community in the process, by way of dialogue and exchange of views with the candidates. Members of the University community may provide comments regarding the candidates on the short-list to the Advisory Search Committee. The members of the Search Committee shall be present during these open meetings.**

   Rector: The candidates on the short-list shall be invited to a joint open meeting of the Board of Governors and of Senate. The Chancellor will chair such meetings.

   Vice Rectors, Secretary-General: The candidates on the short-list shall be invited to a joint meeting of the Executive Committee of the Board of Governors and the Steering Committee of Senate. The Rector will chair such meetings.

   Deans: The candidates on the short-list shall be invited to meet with the members of the respective Faculty Councils. For the Dean of the School of Graduate Studies, the candidates will be invited to meet with the Council of the School of Graduate Studies. The Vice-Rector, Academic, will chair such meetings.

   Director of Libraries: The candidates on the short-list shall be invited to meet with the Directors of the administrative units within the Library. The Vice-Rector, Services, will chair such meetings.

27. That, except when the search is one for the position of Rector, the Rector be consulted and have the right to give his or her input at any stage of the process.

28. That the report of the advisory search committee be reasoned, reflect the committee's conclusions, be signed by all the committee members, and indicate the vote. **The reasoned report may include a minority report, in which case both reports shall be submitted to the Board of Governors.**

29. **That the reasoned report of the advisory search committee include a section dealing with the profile which had been established, and indicate the manner and the extent to which the choice of the candidate is based on the profile.**

30. That upon receipt of the reasoned report of the advisory search committee, the Secretary of the Board of Governors shall include consideration of the report on the Agenda of the Board of Governors for its next regular meeting. In cases when the Board is unable to approve the report, it shall then be considered no later than the subsequent regular meeting of the Board of Governors. In each and every instance, the reasoned report of the advisory search committee shall be brought forward and considered by the Board whatever the circumstances may be.

31.   That in no circumstances should the successful candidate be informed of the outcome of the search process before the Chair of the Board and the Rector have received a copy of the report.

32.   That the motion embodying the advisory search committee's recommendation and seeking the Board's approval be moved by the Rector, and that in moving the resolution, the Rector be given the flexibility of expressing one of two personal options with respect to the committee's recommendation, i.e. either that he or she fully supports it, or that he or she has serious reservations about it.

33.   That in cases where the Rector is unable or unwilling to move the motion, he or she so inform the Board and explain his or her position, giving the reasons for his or her disagreement.

34.   That the conflict resolution mechanism set out in **Appendix A**, and involving six steps, be adopted and be made a part of the future revised Rules and Procedures;

35.   That the advisory search committee, the concerned academic unit and the entire University community be kept informed, at every stage, of the progress made in attempting to resolve the conflict, and as to how it was ultimately resolved.

APPENDIX A

1) The Rector should inform the advisory search committee that he or she disagrees with its recommendation or has strong reservations, as the case may be, and provide to the committee the reasons why he or she finds the recommended candidate unacceptable.

2) The advisory search committee's report and recommendations should nevertheless be brought forward to the Board of Governors by the Chair of the advisory search committee. If the Rector is unable or unwilling to move the motion, he or she should so inform the Board and explain his or her position, giving the reasons for his or her reservations or disagreement, as the case may be. The Board of Governors should give preliminary consideration to the committee's report, at least to be informed of the pros and cons. At this point the Rector may recommend, and the Board may decide, to refer the matter back to the advisory search committee. If this is the case, the University community should be informed of this decision.

3) The advisory search committee should be asked to reconsider its recommendation and the other candidates on the short-list. The advisory search committee may decide to invite the Rector to meet with the committee, if deemed appropriate, in order to obtain additional information.

4) If the committee decides to recommend another candidate on the short-list in lieu of their first choice, the recommendation should be submitted to the Board, at its regular meeting, and if found acceptable, the Board will then make the appointment.

5) Should the committee recommend the same candidate, the recommendation should be brought to the Board for the second time. The Board should then discuss the recommendation on its merits and in light of the information it may have gathered on the subject. **At the end of the debate, the Board of Governors has three options: 1) accept the recommendation of the advisory search committee and appoint the candidate favoured by the search committee; 2) decide to disband the committee if it deems appropriate to do so; 3) take any other decision it deems appropriate.**

6) Should the Board decide to disband the advisory search committee, another advisory search committee should be established at the same meeting, with elections to follow at a further Board meeting, and the new advisory search committee will start the search process anew.

7) **In cases where the position of rector is being searched, the Chair of the Board of Governors will move the motion to the Board of Governors.**

APPENDIX B

Definitions

Recommendation #19 - Due Process:

Due process will be used to determine whether there has been a breach of confidentiality.

Due process is defined as applying the rules of natural justice, which comprise two important elements:

1) Audi alteram partem - the duty to give a person against whom a complaint is made a reasonable opportunity for presenting his or her case.

2) Nemo judex in causa sua debet esse - the duty to ensure that all the steps leading to a decision are untainted by bias.

The University's Legal Counsel has recently published a Handbook on the Rules of Natural Justice for members of University tribunals and administrative decision making bodies.

Recommendation #20 - Irregularities:

In the context of search committees, there can be two types of irregularities in the proceedings:

1. "substantive" irregularities equivalent to a breach of due process, such as failing to inform a candidate or an incumbent of certain allegations made against him or her, or denying a candidate the right to respond to these allegations in presence of the committee;

2. technical or procedural irregularities, for example to schedule meetings or change the date of meetings without consulting the committee members, or the failure to circulate minutes of the meetings to have them approved by the members.

APPENDIX C

Excerpt from the Report of the Ad Hoc Committee on the Revision of the
Composition, Rules and Procedures for Evaluation Committees and
Advisory Search Committees

3.1.2 The extent of confidentiality in selection committee proceedings

The difficulty in determining what parts of the process should remain confidential is
to reconcile the need to protect the integrity of the process with the need for a certain
degree of openness. But both aspects can be reconciled if we ask ourselves what useful
purpose would be served by relaxing the rules of confidentiality.

We cannot accept the view that the contents of the proceedings of an advisory
selection committee should be openly discussed. The argument that the testing and sharing
of information with the entire community would enable the advisory selection committee
to gather information which it would not otherwise have obtained, seems to us to be
outweighed by the potential harm that could be done not only to the individual candidates,
but to the credibility of the process. We believe that members of advisory selection
committees owe a duty to one another to protect the freest possible expression of opinion
in committee deliberations. This is what we mean by "integrity of the process". Far from
being a constraint or an impediment, the respect of confidentiality should therefore be seen
as an essential condition for the committee to carry out its task.

The Ad hoc Committee believes that the identity of all candidates whose names are
not retained on the short list, all documentation, as well as all the deliberations surrounding
and leading to agreement on the short list of candidates, should remain confidential.

As recommended below, the names of the candidates on the short list should be
made public (after each of them has been informed of this fact). Following disclosure of
the short list, we also recommend a brief consultation process with interested members of
the University community. This constitutes the open part of the process.

After this consultation has taken place, however, the committee's deliberations
leading to the choice of a suitable candidate and the vote on the final recommendation must
remain confidential. Only after the Chair of the Board and the Rector have received a copy
of the Report and have agreed to support the committee's recommendation can the
successful candidate be informed of the outcome of the search. In accordance with present
practice, the report should be discussed in the closed session of the Board meeting, and the
vote thereon should remain confidential. Once the report is adopted, the appointment may
be announced at the open session of the meeting.

(15 December 1992)